



Lamoine Board of Selectmen

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Minutes of September 1, 2011

Chair Jo Cooper called the meeting to order at 7:02 PM

Present were: Selectmen Cynthia Donaldson, William Brann, Richard Fennelly Jr., Gary McFarland, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Richard McMullen, Kathleen DeFusco, Michael Jordan, Parks Commissioners Rich and Christa Brey, Kerry Galeaz; David Legere, Hancock Selectmen Gary Hunt, Myrna Coffin and Richard Dickson

Agenda Review – Selectmen agreed to move item 7 (meet with Hancock Selectmen) to after the Treasurer's Reports.

Minutes of August 11, 2011 – Richard, Gary and Cynthia submitted minor written corrections. Jo moved to approve the minutes with the corrections. Richard 2nd. **Vote in favor was 4-0 (Brann abstained).**

Expenditure Warrant 5 – Selectmen signed warrant 5 in the amount of \$710,122.70. Stu noted that \$686,000 was a transfer from checking to investments.

Cash & Budget Report – Stu reported the FY 11 report will be the final for that fiscal year as he expects no further expenses or revenues to come in. He said he would start closing the books and getting ready for the audit in the coming week.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with the review of the checking account reconciliation for August 2011.

Tax Collector Settlement – FY 03/04 – Stu reported the final outstanding personal property tax payment has been received, and all the taxes that were recommitted to him for collection have been paid. Jo moved to approve the settlement. Richard 2nd. **Vote in favor was 5-0, Selectmen signed the settlement.**

Heating Fuel Bids – The Selectmen from Hancock and Lamoine introduced themselves to each other and opened the bids as follows:

| Bidder Name | Price/Gallon |
|-----------------------------|--------------|
| Webber Energy (Hancock Oil) | \$3.5788 |
| Acadia Fuel | \$3.32 |
| No Frills Oil Co. | \$3.399 |

Cynthia said she didn't know anything about Acadia Fuel's reputation. A couple of audience members said they use them and are satisfied with their service. Richard said he thought it was a pretty nice price. Jo moved to award the fuel bid to Acadia Fuel. Gary 2nd. **Vote in favor was 5-0.**

Hancock Selectman Richard Dickson moved to award the bid to Acadia Fuel. Myrna Coffin 2nd. **Vote in favor was 3-0.** Stu said he would inform the bidders of the results.

Discussion of Municipal Shellfish Ordinance – Richard said there are some housekeeping issues with the joint ordinance that need to be taken care of. He said when the ordinance was originally drafted, it was rushed a bit. He said he's sent out suggestions to the municipal joint board and asked for comment, and the proposed amendments would have to go before the legislative body for each community

Richard noted the Skillings River has been closed due to contamination. He said the Department of Marine Resources suspects a septic system located in Hancock and only the Selectmen or Code Enforcement Officer can resolve that. He said he would share that suspected location with Hancock Selectman Hunt via e-mail. Selectman Dickson said they would get their Local Plumbing Inspector on it right away.

Richard said they found 5 or 6 systems in Franklin that need attention. A brief discussion followed on the closed area and the small community grant program. Selectman Hunt said the town of Hancock would address the system, they just need to know where it is, and they had not heard about it. A brief discussion followed on the regional Shellfishing ordinance. Richard said the commercial diggers have seen a great improvement in the resource since implementation. Selectman Coffin said the region was one of the few open areas during Hurricane Irene, and said the diggers seem pleased that outside pressure has been eliminated. A brief discussion followed on amending the ordinance.

Meeting with Parks Commission – Jo asked about Bloomfield Park. Stu summarized that there was a concern at the previous meeting about where the rocks had been placed and the ability to launch boats from a trailer. Parks Commission chair Kerry Galeaz said he would have rather talked things out at this meeting instead of having a memo from Stu. He said he was not happy with the memo and made several corrections to it.

Mr. Galeaz said the Parks Commission had budgeted to move the rocks at Bloomfield Park to better protect the beach area. He said when the privy was installed this past spring, they asked Richard McMullen to move the rocks back and put down some gravel to smooth out the area, which was done. He said when he went to the pond in July he noted that one of the rocks was pushed forward toward the water. He said when he returned later, he discovered the rock was in the water, and it was apparently an act of vandalism, much like the privy door being ripped off. He said he called the town office and told Stu he would have Mr. McMullen retrieve the rocks and anchor them better. He said the equipment did not go into the water, but did go to the edge of the pond, but Mr. McMullen could not get the rock out. Mr. McMullen said the rock was too far out to retrieve.

Mr. Galeaz said the whole topic of boat launching is up to the town as to whether to allow trailered boat launching. He said the Parks Commission recommends that it not be allowed at the beach area, because it's very tight there and it's a safety issue. He

said there are parking and erosion issues, and there just isn't enough suitable space to accommodate trailers. He said the park is managed as a hand carried launch facility. He said he didn't realize until last year that some people used the area as a trailered boat launch.

Richard Brey said when the issue was first brought up; there was some concern about equal access. He said he contacted the state, and was told there was no state law that mandates trailer access. He said he also spoke to the Department of Inland Fisheries and Wildlife and they have not stocked the pond for several years. He said that department's concern is that the public have some sort of access.

Richard (Fennelly) said the equal access issue kicks in when the state is managing a water body as a fishery, such as Branch Pond in Ellsworth. He said at Blunt's Pond there is no equitable access issue as a fishery. Mr. Galeaz said he didn't intend for the matter to come before the Selectmen in this manner. Jo said more people seem to be using the park, and trailering could be a big concern. Mr. Galeaz said they're not trying to target anyone; they're just taking a common sense approach. He said there were a lot of people at the park in the summer, and the park doesn't have enough parking for them.

Cynthia said the safety issue is compelling. She asked if any historical access existed for boat launching. Richard (Fennelly) explained the prescriptive easement principles. Cynthia asked if there was any knowledge of people launching boats from the park for many years. Richard said he didn't know. A short discussion followed on the launch location.

William asked if any other people have launched there using a trailer. Mr. Galeaz said he didn't know. He said he only witnessed trailer launching twice, and then one hand carried launch. Gary asked if there were complaints about the launch area. William asked about the frequency of launching. Mr. Galeaz said he didn't know.

Jo asked about the boat storage issue. Mr. Galeaz said he was at the pond and saw the boat being stored there, and the town has to deal with it. He said he also happened to see a boat being stored at Marlboro Beach. He said the ordinance states that boat storage is not allowed. Richard said this has been an issue at the State Park for many years. Mr. Galeaz said he's all in favor of allowing boats to access the water, but if they let one person store a boat at a park, it sets a bad example. A brief discussion followed regarding Marlboro Beach.

Mr. Galeaz asked what the proper way is to handle such a complaint – whether an official written complaint needs to be made and who enforces it. A brief discussion followed on whether it would be referred to law enforcement or the town office first.

Jo asked about dog issues at Bloomfield Park. Mr. Galeaz said it's an issue, and noted that the parks commission installed a dog station at Lamoine Beach. He said they plan to include one for Bloomfield Park in the next budget. A discussion followed about signs aimed at dog owners. Jo noted that the Animal Control Officer could be contacted for

problems. Richard noted that dogs can cause problems on clam flats. A brief discussion followed on enforcement. It was suggested that the town office number be posted on the sign.

David Legere said he had a concern about the shoulders on the sides of Asa's Lane. Stu said the shoulders were supposed to be brought up to grade, but the contractor only did the driveways. Richard said Bloomfield Park looks great.

Marlboro Beach – Mr. Galeaz said he looked at the eroded area last night. Richard said rip rap would likely fix it. Mr. Legere asked what the town's responsibility was. A brief discussion followed on where the property lines were. Mr. Galeaz said the erosion is on the town's property. Mr. Legere said the situation needs to be dealt with swiftly. Selectmen authorized Stu to contact the Department of Environmental Protection to start the process for fixing the eroded area.

Picnic Tables – Mr. Galeaz said the picnic tables at Lamoine Beach have badly corroded. He said the commission had fixed some with duct tape, but one completely fell apart. Richard asked how old the tables were. A short discussion followed on what materials might hold up better than the steel tables.

Kayak Safety – Jo noted there was a request to enhance safety advice to kayakers. Stu said he spoke with Diane Sanderson earlier this week, and she was more interested in having some literature distributed at Lamoine State Park. David Legere said he had some kayak safety signs and explained what the wording said and talked about kayaking. He said there is likely to be a problem with paddle boards soon, and explained what those were.

Cynthia said Mrs. Sanderson had an awful experience earlier this summer, and said she is working on multiple levels, including having a local legislator sponsor a bill to require that life jackets be worn in kayaks, and warning locally about weather and cold water. She said the challenge is how to get the proper information to people. She said the state park distributes a lot of information and it's often too much. She said she wants something that would scare people. Richard said kayak sellers and renters should hand out literature. Mr. Legere said that is being worked on at a national and state level, but it's not required yet. Richard said a certain percentage of people won't look at the brochures. Mr. Legere offered to bring his signs by the next day. Discussions followed on floatation devices, sign types and boat/kayak types.

Mr. Galeaz noted that the Parks Commission needs to look at grading the existing road leading into Bloomfield Park.

Road Maintenance – Selectmen reviewed the list from Stu which was included in the packet. In addition to the work listed, it was noted that the shoulders on Asa's Lane need to be brought up to grade. Richard complimented the work list. Jo moved to approve the projects as proposed through fall 2011. Gary 2nd. **Vote in favor was 5-0.**

Road Name – Jo moved to approve the name Celtic Drive for a newly named entrance. Richard 2nd. **Vote in favor was 5-0, Selectmen signed the order.** (It was noted that the road name is pronounced with a hard “C”).

Bangor Hydro Pole Permit – Jo moved to approve a pole permit for Bangor Hydro Electric on Marlboro Beach Road near Brown Lane. Richard 2nd. **Vote in favor was 5-0, Selectmen signed the permit.**

Legal Cases – Stu reported that responses have been filed by Ed Bearor on the three cases involving the assessors and that Tony Beardsley has filed a brief in the Gott case. He said he did not photocopy the voluminous paper work, but the Selectmen are welcome to look over the case folders.

Shellfish Ordinance Amendment – Stu asked Richard what the game plan was. Richard said he hoped to have a copy of the proposed amendments ready for publication and posting next Tuesday. He said he asked for input 3-months ago but got no response. He said he received a response today following his last set of proposed amendments from the Department of Marine Resources in regard to removing littering and trespass violations which the regional shellfish warden is not able to enforce. He said that was new since the proposal that was handed out tonight. He said he plans to try to reach Joint Municipal Board members, and unless he hears anything otherwise, will plan for the town vote on September 15, 2011. He said it's very frustrating with no feedback. Cynthia said the Lamoine Board would back Richard's efforts.

Fire Truck Damage – Stu reported that truck 405 was damaged on August 19th and a claim was filed with the insurance company. (He noted he was NOT the driver!). He said there is a \$1,000 deductible, and that a request to utilize the deductible might come from the fire department.

AFG Grant – Stu said the fire department has asked to apply for an Assistance to Firefighting Grant to purchase a new boat, which is one of the program priorities, provided the boat is under 20-feet long. He said the present boat is only 12-feet long now, and there are some serious space limitations.

Communications – Stu reported that the Time Warner phone/internet system failed during Hurricane Irene and again the previous day, leaving the town office without its telephone and e-mail capability. He said there is a FairPoint line that comes into the building and a cordless phone can be hooked up to that if need be. He said the cell phones worked pretty well too. There was a brief discussion about the problems from the hurricane.

Septic Grant Program – There was a brief discussion of the septic grant program through CDBG and the Hancock County Planning Commission. Richard noted that multi-municipality applications are encouraged and perhaps the regional Shellfishing towns could do something.

Automobile Graveyard Schedule – Stu noted that he sent applications to the new owners of Pro-Auto and they've not been submitted back yet. He said he would like to recommend the hearing be held the 1st meeting in October. There was no objection.

Next Meeting – Jo noted the next meeting will follow the special town meeting on September 15, 2011 at the Lamoine School.

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) to interview a job applicant for Road Commissioner. Cynthia said she'd been asked when it is appropriate to go into executive session and personnel matters are appropriate. A very brief discussion followed. Richard 2nd. **Vote in favor was 5-0 at 8:34 PM. Out at 8:50 PM**

There being no further business, the meeting adjourned at 8:50 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.